

## Community resources

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*courage is contagious*

## Viewing cable 06MANAGUA807, CSE CONTINUES TECHNICAL WORK AS PLC/FSLN BATTLE

If you are new to these pages, please read an introduction on the [structure of a cable](#) as well as how to [discuss them](#) with others. See also the [FAQs](#)

### Understanding cables

Every cable message consists of three parts:

- The top box shows each cables unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

To understand the justification used for the classification of each cable, please use this [WikiSource](#) article as reference.

### Discussing cables

If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#06MANAGUA807**.

Reference ID	Created	Released	Classification	Origin
<a href="#">06MANAGUA807</a>	<a href="#">2006-04-11 16:35</a>	<a href="#">2011-08-30 01:44</a>	<a href="#">CONFIDENTIAL</a>	<a href="#">Embassy Managua</a>

Appears in these articles:

<http://www.nacion.com/2011-05-30/Mundo/NotasSecundarias/Mundo2758456.aspx>  
<http://www.nacion.com/2011-05-30/Mundo/NotasSecundarias/Mundo2758467.aspx>  
<http://www.nacion.com/2011-05-30/Mundo/NotasSecundarias/Mundo2758468.aspx>  
<http://www.nacion.com/2011-05-30/Mundo/NotasSecundarias/Mundo2758464.aspx>  
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<http://www.nacion.com/2011-05-23/Mundo/Relacionados/Mundo2758764.aspx>  
<http://www.nacion.com/2011-05-23/Mundo/NotaPrincipal/Mundo2758753.aspx>  
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<http://www.confidencial.com.ni/articulo/4047/rodrigo-barreto-enviado-de-ldquo-vacaciones-rdquo>  
<http://www.nacion.com/2011-05-16/Mundo/NotasSecundarias/Mundo2757239.aspx>  
<http://www.nacion.com/2011-05-16/Mundo/NotaPrincipal/Mundo2746658.aspx>  
<http://www.nacion.com/2011-05-16/Mundo/Relacionados/Mundo2757244.aspx>  
<http://www.nacion.com/2011-05-16/Mundo/Relacionados/Mundo2746673.aspx>  
<http://www.confidencial.com.ni/articulo/3991/dra-yadira-centeno-desmiente-cable-diplomatico-eeuu>  
<http://www.confidencial.com.ni/articulo/3968/pellas-pronostico-a-eeuu-victoria-de-ortega-en-2006>  
<http://www.confidencial.com.ni/articulo/3967/barreto-era-ldquo-fuente-confiable-rdquo-para-eeuu>

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INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE  
RUEAIIA/CIA WASHDC  
RHEFDIA/DIA WASHINGTON DC  
RHEHNSC/NSC WASHINGTON DC

C O N F I D E N T I A L MANAGUA 000807

SIPDIS

SIPDIS

DEPT FOR WHA/CEN

E.O. 12958: DECL: 04/10/2016  
TAGS: [PGOV](#) [KDEM](#) [SOCI](#) [NU](#)  
SUBJECT: CSE CONTINUES TECHNICAL WORK AS PLC/FSLN BATTLE  
OVER INSTITUTIONAL CONTROL

REF: A. MANAGUA 0802

[1](#)B. MANAGUA 0464  
[1](#)C. MANAGUA 0430  
[1](#)D. MANAGUA 0304  
[1](#)E. MANAGUA 0281

Classified By: Ambassador Paul Trivelli for reasons 1.4 (b and d)

[1](#)1. (C) Summary: The inter-institutional battle over control of Nicaragua's Supreme Electoral Council (CSE) continues even as the CSE embarks on a new electoral cycle. In the midst of conflicting court rulings and a PLC-driven National Assembly threat to invalidate CSE president Roberto Rivas' appointment of substitute magistrates, senior CSE civil servant Rodrigo Barreto claims that "encouraging" the CSE magistrates to sign an agreement not to break quorum during the electoral cycle is the only way to avoid chaos before and after the November national elections. In addition, CSE technical advisors from IFES report that the CSE has in its possession as many as 200,000 undistributed national/voter ID cards (cedulas). End Summary.

#### INTER-INSTITUTIONAL STRUGGLE OVER CSE CONTINUES UNABATED

[1](#)2. (U) Angry over some February CSE decisions that favored political rival Eduardo Montealegre, the PLC has ordered its magistrates to refuse to form a quorum in the Council in an attempt to force the body to compromise (Ref D). To form a quorum before the March 5 regional elections, CSE president Roberto Rivas, backed by a legally dubious decision from a Sandinista-controlled court, summoned FSLN substitute magistrates to convene the Council. In response, the PLC legislators -- backed at times by the minority party caucuses -- have threatened to vote on an "authentic interpretation" of Article 6 of the Electoral Law, which states quite clearly that only the primary magistrates may name substitutes to sit on the Council. The following is a summary of events since February:

- March 22: The PLC-controlled First Civil Chamber of the Appellate Tribunal of Managua (TAM) accepted a legal petition from the PLC and instructed the National Assembly to issue an "authentic interpretation" of Article 6 of the Electoral Law. This decision contradicted an earlier ruling from the TAM,s (FSLN-controlled) Second Civil Chamber, which earlier accepted a legal petition from the FSLN against the issuance of an "authentic interpretation" of Article 6 by the National Assembly. In reaction to the First Civil Chamber's decision, Sandinista deputies in the National Assembly reiterated their opposition to the "authentic interpretation" and insisted that such an act would require a qualified majority

(two-thirds) vote in the Assembly. (Note: Any qualified majority vote requires the approval of Sandinista deputies.)

- April 3: Sandinista magistrates on the CSE enacted a reform to the CSE's internal regulations that would allow the CSE president to name substitute magistrates in the event that primary magistrates fail to attend three sessions in a row. This reform would allow the Sandinistas to overcome the Liberal boycott of the CSE, which has prevented the Council from forming a quorum.

- April 4: National Assembly president Eduardo Gomez withdrew the "authentic interpretation" of Article 6 of the Electoral Law from the Assembly agenda on April 4 after Sandinista deputies transmitted a ruling from the (Sandinista-controlled) Esteli Appellate Court ordering the Assembly to halt discussion of the measure. Liberals complained that Gomez closed the April 3 session after promising that discussion of the "authentic interpretation" would be on the April 4 agenda. CSE president Roberto Rivas stated that he would not recognize any interpretation approved by a simple majority (47 votes) that modifies the Law in any way.

After previously agreeing to support the interpretation, ALN-PC deputy Augusto Valle announced that the eight ALN-PC deputies would not vote in favor of the "poorly presented" interpretation, and instead encouraged the Liberal CSE magistrates to attend the CSE sessions and commit to forming a quorum during the elections cycle. Valle noted that the PLC magistrates might use the same tactic to avoid proclaiming ALN-PC candidate Eduardo Montealegre president, should he win the November elections. ALN-PC deputy Maria Eugenia Sequiera added that the absence of the PLC magistrates is allowing the Sandinistas to control the electoral body.

CSE OFFICIAL: PLEASE FORCE MAGISTRATES TO MAKE QUORUM, OR WE FACE CHAOS

13. (SBU) Poloff met with senior CSE civil servant Rodrigo Barreto on March 30 to discuss his concerns regarding the National Assembly's "authentic interpretation" of Article 6 of the electoral law. Barreto came "on behalf of all the conscientious CSE workers" who don't want to see Nicaragua paralyzed by inter-institutional chaos before the elections. He claimed that they are all concerned that the PLC will use the "authentic interpretation" of Article 6 of the Electoral Law to invalidate the Atlantic Coast elections. The PLC would then use the resulting crisis to force the other parties into an amnesty deal for Aleman.

14. (SBU) Barreto pointed out that, while the Electoral Law does not permit the CSE president to select substitute magistrates, it also (in Article 15) requires the magistrates to attend sessions and requires them to name substitutes if they cannot be present. Hence, this current situation represents another case of the political parties interpreting the law as they see fit. Barreto predicted that the Sandinistas would use the same trick of breaking quorum to paralyze the CSE if the November elections must enter a second round (that they know they cannot win).

15. (SBU) Barreto recounted that in 2001, the OAS and diplomatic corps forced the CSE magistrates to sign an agreement not to break quorum and keep the Council in permanent session during the elections season. In early 2004, the file containing the original agreement mysteriously disappeared from the CSE database, but Rodrigo promised to provide a copy from other sources. He believes forcing the magistrates to sign a similar accord is the only way to guarantee stability during the election season, and sought USG and international community support for this goal.

IFES: UP TO 200,000 CEDULAS NOT DISTRIBUTED

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¶6. (SBU) During an April 6 meeting with IFES, local director Rafael Lopez Pintor informed Emboffs that IFES has almost completed its review of national/voter ID cards (cedulas). Lopez Pintor reported that the CSE has in its possession 185,000-200,000 unclaimed cedulas in various locations throughout the country, including over 38,000 in Managua. He said that IFES will publish the names of the cedula owners and location of the cedulas and advertise this information throughout the country. Lopez Pintor also noted that the CSE "scrubbed" the official voter list (padron) of the names of 15,000 deceased Nicaraguans.

¶7. (SBU) Poloff queried IFES about PLC allegations that FSLN mayors are assisting Sandinistas to obtain cedulas in an expedited manner (within 15 days). Lopez Pintor responded that he does not possess any specific knowledge regarding the validity of the PLC claims, but suggested that it is certainly possible to process a cedula in 15 days -- though most Nicaraguans certainly don't receive such expedited service.

COMMENT: PLC/FSLN ANTICS HIGHLIGHT DISRESPECT FOR THE LAW  
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¶8. (C) The struggle over the CSE has highlighted the unfortunate reality that the law in Nicaragua is only respected when it serves one's political or personal interests. As Barreto explained, both the PLC and FSLN blocs in the CSE have broken the law to try to gain control of the Council and then defended their actions by calling in dubious legal judgments from partisan courts. Post believes that Barreto's suggestion to press the CSE magistrates to sign an agreement not to break quorum is a worthy initiative and will discuss the issue with the OAS elections team later this month.  
TRIVELLI